



AGENDA
Maynard Board of Selectmen's Meeting
August 5, 2014
Town Building – Michael J. Gianotis Meeting Room
(No. 201)
Regular Meeting Time: 7:00 pm

(All public meetings may be recorded, broadcast and or videotaped)

1. **Call to order (7:00 pm)**
2. **Pledge of Allegiance**
3. **Public Comment**
4. **Acceptance of Minutes**
 - a) July 7, 2014
5. **Correspondence**
 - a) Community Preservation Committee, timeline for proposals FY16
 - b) Notice of meeting, Recreation July 24, 2014
 - c) Press Releases: K. Sweet July 25, 2014
 - d) Notice of meeting, Zoning Board of Appeals July 28, 2014
 - e) Notice of meeting, Finance Committee July 28, 2014
 - f) Notice of meeting, Planning Board July 29, 2014
 - g) Notice of meeting, Council on Aging July 31, 2014
 - h) Press Release Announcement of Patrick Collins Resignation
 - i) Letter dated July 17, from the Cardinal's Office, Special Mass 9/21/14, Holy Cross Boston
 - j) Notice of meeting MAPC, Friday October 3, 2014
6. **Consent Agenda**
 - a) Block Party Request, McKinley Street: August 16, 2014
7. **Request for Special Election**
8. **FY 2014 – 2015 BOS meeting calendar approval**
9. **Review and approve the Town of Maynard Alcoholic Beverage Licensing Regulations**
10. **BOS Liaison Assignments**
11. **Ratification of Collective Bargaining Agreements**
12. **Naming of Public Places**

- 13. Discussion of Reappointment Town Fire Chief**
- 14. Community Preservation Committee Proposal Ideas**
- 15. Water & Sewer Abatement Policies**
- 16. Capital Planning Presentation**
- 17. Economic Development updates**
- 18. Town Administrator Report**
- 19. Chairman's Report**
- 20. Old/New Business**
- 21. Adjournment (9:00)**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin Sweet", with a stylized flourish at the end.

Kevin Sweet, Town Administrator

Next meeting date(s):

Special Meeting - *August 14, 2014*
Regular Meeting - *August 19, 2014*

THIS AGENDA IS SUBJECT TO CHANGE



OFFICE OF THE
BOARD OF SELECTMEN
TOWN OF MAYNARD

MUNICIPAL BUILDING
195 MAIN STREET

MAYNARD, MASSACHUSETTS 01754

Tel: 978-897-1301 Fax: 978-897-8457

**Selectmen's
Meeting Minutes
Monday, July 7, 2014
Room 201, Town Hall
Time: 7:00 pm**

Present: Chair Brendon Chetwynd, Selectman David Gavin, Selectman William Cranshaw, Selectman Dawn Capello, Selectman Jason Kreil, Town Administrator Kevin Sweet, Assistant Town Administrator Andrew Scribner-MacLean and Admin. Assistant Becky Mosca.

(This public meeting was recorded).

Pledge of Allegiance

Chairman Chetwynd welcomed all the candidates and gave a brief rundown of how the interviews would go. The interviews will start in alphabet order. Also, welcome our new Selectman, Jason Kreil to the Board.

Planning Candidate interviews:

- Linda Connolly
- Andrew D'Amour
- **Dave Krijger, NOT Available for meeting.**
- Christopher C. Worthy

A motion was made by Selectman Cranshaw to approve the appointment of Linda Connolly as a full member to the Planning Board with a term of 2 years ending June 30, 2016. Second by Selectman Gavin. Vote 5-0. Motion approved.

A motion was made by Selectman Gavin to approve the appointment of Andrew D'Amour as alternate member of Planning Board with a term of 2 years ending June 30, 2016. Second by Selectman Capello. Vote 4-1. (Jason Kreil). Motion approved.

Town Planner Introduction: Bill Nemser, AICP, LEED AP

Assistant Town Administrator Andrew Scribner-MacLean opened with Bill Nemser's resume and email from Bill Nemser's past boss. Board very happy with the information. Selectman Capello added to comments take once we choose Bill, Bill changed his plans to start early with Maynard to be here for the start of a new project.

A motion to adjourn the meeting was made by Selectman Capello. Second by Selectman Gavin. Vote 5-0. Motion approved.

Time: 8:40 pm

Approved: _____

Date:

Selectman, David Gavin, Clerk

Initials: BJM

Becky Mosca

From: Tim Egan <egantim29@gmail.com>
Sent: Friday, July 18, 2014 10:01 AM
To: Posting
Subject: CPC timeline for proposals

Hi David,

The Community Preservation Committee would like to update the website a bit. We would like to add the information that discusses the timeline for proposals. If you could under the NOTICES section change the date to July 16, 2014 then add the following:

The Maynard Community Preservation Committee is inviting Maynard residents to submit proposals for CPA funding. While submitting proposals please take notice of the important due dates

Timeline of Dates for May 2015 Town Meeting --FY2016 CPA Proposals:

Friday, September 26, 2014 – Preliminary Application due (Distributed 10/1 CPC Mtg)

October 15, 2014 – CPC determines eligibility and notifies applicants

November 14, 2014 – Final Applications due (Distributed 10/19 CPC Mtg)

December 3, 2014 – CPC develops lists of questions for proponents

January 2015– meetings with proponents and discussion

End of Feb./Beginning of March 2015 – **PUBLIC HEARING & FINAL vote on proposals**

Everything after this sentence can stay on the site as well: "CPA funds can be used for four kinds of projects."

Thank you, If you have any questions please contact me here or at 978-201-1481.

Tim Egan

CPC Board Member



AGENDA
Maynard Recreation Commission Meeting
Thursday, July 24, 2014
Town Hall – Room 202
Time: 7:00pm

(All public meetings may be recorded, broadcast and or videotaped)

1. Call to Order
2. Public Comment
3. BGCAV
 1. Program updates
 2. Enrollment reports
4. Old Business
 1. Review and approve Meeting Minutes from June
 2. Update on postings no dogs at athletic fields and playgrounds
5. New Business
 1. Open
6. Finance Report
 1. Outstanding invoices
7. Announcements
8. Adjourn

Submitted to Town Clerk and posting@townofmaynard.net on July 21, 2014

Display problems? [View this newsletter in your browser.](#)

Town of Maynard, Massachusetts

Kevin Sweet, Town Administrator

Municipal Building
195 Main St.
Maynard, MA 01754



FOR IMMEDIATE RELEASE

Friday, July 25, 2014

Contact: John Guilfoil

Phone: 978-841-9948

Email: john@jqpr.net

Maynard Town Administrator Launches New Website, Blog, and Events Calendar

MAYNARD -- Town Administrator Kevin Sweet is pleased to announce the launch of a brand new online news portal for town government!

MaynardTownAdmin.org will provide news, information, downloadable resources and an events calendar for residents, visitors, and business owners in Maynard.

"I wanted to create a website and blog that will provide news and updates on what's happening every day in Maynard and how town government is working to make life better, every day," Town Administrator Sweet said. "I hope people will find it useful and informative."

The easy-to-read website contains:

- A news blog
- Links to Maynard social media sites
- Information and photos of town officials

- A resources page that will feature downloadable forms and important documents
- A place to sign up for the Town Administrator's email newsletter
- A visual, colorful events calendar, containing information about meetings, town-wide events, and fun things happening in Maynard.

The website was designed by [John Guilfoil Public Relations LLC](#) and was built using the popular Genesis Framework for the Wordpress website platform. It features a modern, HTML 5 "Responsive Design" that works equally well on computer, tablet, and smartphone screens.

###

[Unsubscribe](#) - [Edit your subscription](#)

John Guilfoil Public Relations LLC
1 Westinghouse Plaza
Unit 315
Boston, MA 02136
617-993-0003

Date Posted: July 23, 2014

TOWN OF MAYNARD

MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A §§18-25

Maynard Zoning Board of Appeals

Name of Board/Committee

Address of Meeting: 195 Main Street, Maynard MA Room: 101

M T W T H F
Day of week
(Circle One)

Monday, July 28, 2014

7:00 PM

Agenda or Topics to be discussed listed below (That the chair reasonably anticipates will be discussed)

1. Public Hearing will be held on the Petition of Steven and Sara Silva PO Box 12, Wakefield, NH 03830, regarding property at 50 Boeske Ave., Maynard, Map 18-Parcel 185, for a Variance from the Zoning Board of Appeals Zoning Bylaws lot width requirements. Requesting lot width of eighty (80) feet to fifty (50) feet.
2. Discuss the next Hearing date for the Board.

THIS AGENDA IS SUBJECT TO CHANGE

Chairperson: Paul Scheiner

Posted by: DM

Date: July 23, 2014

Date Posted: _____

TOWN OF MAYNARD

MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A §§18-25

Finance Committee

Name of Board/Committee

Address of Meeting: _____ Town Hall _____ Room: 201 _____

Monday July 28 2014 7:00 PM
Day of week Month Date Year Time Circle One
(Circle One)

Agenda or Topics to be discussed listed below (That the chair reasonably anticipates will be discussed)

1. Approve Minutes of previous Meeting(s): _____
(Meeting Dates)
2. Old Business Topics: _____

3. New Business Topics: _____

Election of Chair, Vice-Chair, and Clerk
FY14 end of year budget transfers
FY15 planning
4. Other: _____

THIS AGENDA IS SUBJECT TO CHANGE

Chairperson Peter Campbell _____

Posted by: _____

Date: _____

Date Posted: July 23, 2014

TOWN OF MAYNARD

MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISION OF MGL 30A § 18-25

(All public meetings may be broadcast, recorded or videotaped)

PLANNING BOARD

Address of Meeting: **195 Main Street, Maynard** **Room: 201**

Tuesday, July 29, 2014 7:00 p.m.

M T W T H F

Month

Date

Year

Time

AM/PM

Agenda or Topics scheduled for discussion/action:

1. 7:00 PM Open Meeting

2. Miscellaneous Business

- Foresite Engineering request for minor modification to the "Taylor Road Subdivision, Definitive Subdivision Plan of Land in Maynard, Mass" regarding street lights.
- Acton Survey & Engineering request for modification of the Special Permit issued for the proposed development at 213 Main Street as authorized by Section 10.4.5 of the Zoning Bylaws. The Special Permit allows construction of a Multi-Family Dwelling in the General Residential District.
- Holden Engineering and Surveying, Inc. on behalf of the owners, LSREF2 Clover REO2, LLC, 129 Parker Street, Maynard, MA, Map 25, Parcel 152, is requesting to withdraw their application for a by right Definitive Plan subdivision of the subject property.
- Appointment of Town Planner Bill Nemser as the Planning Board representative to the Minuteman Advisory Group on Interlocal Coordination (MAGIC).

THIS AGENDA IS SUBJECT TO CHANGE

Chairperson: Kevin Calzia, Chairman

Date Posted July 23, 2014

TOWN OF MAYNARD

MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISION OF MGL 30A § 18-25

(All public meetings may be broadcast, recorded or videotaped)

Council on Aging

Address of Meeting: 195 Main Street, Maynard

Room: Room 101 – Lower Level meeting room

M T W T H F July 31, 2014

6:30 PM

Month

Date

Year

Time

AM/PM

Agenda or Topics to be discussed listed below (That the chair reasonably anticipates will be discussed)

1. Election of Officers
2. FY15 Objectives.

Assabet Valley Regional Vocational District School Committee

215 Fitchburg Street
Marlborough, Massachusetts 01752-1288



Berlin
Lynn G. Ryan
Chairperson

Hudson
William Charbonneau, Jr.

Marlborough
Joseph Valarioti
Secretary

Maynard
Laura Ross

Northborough
Virginia Simms George

Southborough
James W. Denman

Westborough
Paul George
Vice Chairperson

Press Release

Announcement of Patrick Collins's Resignation as Assabet Valley Regional School District Superintendent

School Committee Chairperson Lynn Ryan and Superintendent Patrick Collins jointly announce the resignation of Superintendent Collins effective August 1, 2014. Both parties acknowledge philosophical differences in the future direction of the school and have decided to amicably part ways.

Mrs. Ryan indicates: "Mr. Collins has served the district well over these past seven years and is credited with many significant contributions to the school district."

Mr. Collins came to the district in July 2007 as the Director of Business Operations. Previously he had worked as the Director of Business Services for eleven years for Shrewsbury Public Schools. He was appointed superintendent of Assabet in July 2013. Mr. Collins earned a bachelor's degree from the University of Notre Dame and an MBA from UMass Boston. He has also served as an adjunct faculty member at Worcester State University.

Mr. Collins notes: "I have enjoyed my service at Assabet and I am ready to move onto a new challenge. The district is in a strong financial condition and the renovation project is on schedule and under budget. I am most proud of bringing the new U.S. Marine Corps JROTC Program to the district this Fall 2014. We've received over \$200K in uniforms and equipment, hired the instructor, and over 60 students are enrolled. It is equally rewarding to have created the Learn & Serve Program where students and staff participate in multi-day community service projects in Worcester and rural Maine over the February and April Breaks."

With Mr. Collins's departure the school committee plans to appoint an Interim Superintendent to oversee the school district while it conducts a search for a permanent replacement.

1-800-537-6663 ~ 508-485-9430

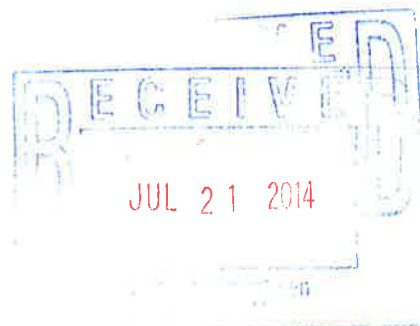
Equal Opportunity Institution



CARDINAL'S OFFICE
66 BROOKS DRIVE
BRAINTREE, MASSACHUSETTS 02184-3839
617-782-2544

July 17, 2014

Board of Selectman
195 Main St
Maynard, MA 01754



Dear Board of Selectman ,

It gives me great pleasure to invite you to join me on September 21st for a special Mass in thanksgiving to God for all the men and women who serve our communities as public safety personnel. This Mass will take place at 11:30 a.m. on Sunday, September 21, 2014, at the Cathedral of the Holy Cross in Boston.

Invitations have been sent to hundreds of agencies throughout the Archdiocese of Boston, which comprises one hundred forty four cities and towns in Eastern Massachusetts, and we encourage all public safety personnel and their families, regardless of their faith, to be part of this special Mass. It is important to show these men and women, as well as their families, that we support them and pray for them. They are our heroes and heroines, and we wish to pay tribute to them and ask for God's blessings upon them.

During this Mass we also wish to remember those who have died in the line of duty and to honor their families. Your presence at this Mass will be an honor for those who have made the ultimate sacrifice for our safety and security. In order to plan accordingly, I would kindly ask you to respond using the enclosed R.S.V.P. card no later than Friday, September 5th.

Allow me this moment to thank you again for your continued service to the public, and to assure you of my prayers for you and all those who serve along with you. Looking forward to thanking you in person at the Public Safety Mass, I am

Sincerely yours in Christ,

Archbishop of Boston

For Information and to RSVP Please Visit:
www.bostonpublicsafetymass.org



Mass for Public Safety Personnel and Families

In thanksgiving of all active and retired
Police, Fire, DOC and EMS Personnel and Families

ALL ARE WELCOME

His Eminence

Seán P. Cardinal O'Malley, OFM Cap.
Archbishop of Boston, Main Celebrant

Sunday, September 21, 2014
11:30 a.m.



Cathedral of the Holy Cross, Boston

Archdiocese of Boston, www.bostoncatholic.org

10:30 a.m. Staging + 11:00 a.m. Formation/Procession + 11:30 a.m. Celebration of Mass

For further information please contact Deacon Jim Greer at Jgreer@rcab.org



MBTA Advisory Board

177 Tremont Street, Boston, MA 02111

Tel: (617) 426-6054 Fax: (617) 451-2054

July 21, 2014

TO: Chief Elected Officials

FR: Paul Regan, Executive Director, MBTA Advisory Board
Marc Draisen, Executive Director, Metropolitan Area Planning Council

RE: **Municipal Elections to the Boston Region Metropolitan Planning Organization**

IMPORTANT DATES:

- **Nomination Papers Due – Friday, October 3, 2014, at 5:00 PM, to MAPC;**
- **Election – MAPC Fall Council Meeting Wednesday October 29, 2014; location and time to be decided.**

We are pleased to forward a copy of the election procedures for the elected municipal seats on the Boston Region Metropolitan Planning Organization (MPO). The MPO is responsible for planning and programming financial resources for a multi-modal transportation system for the 101 municipalities in the Boston region. (An overview of MPO member responsibilities is included as Attachment C of the Official Notice of Elections.)

There are four seats on the MPO up for election. The MPO seat currently held by the City of Everett representing the 23 cities in the region, the seat currently held by the Town of Lexington representing the 78 Towns in the region, the seat currently held by the City of Beverly representing the North Shore Task Force sub-region, and the seat currently held by the Town of Medway representing the South West Advisory Planning Committee (SWAP) sub-region are up for election this year.

Any city in the region may run for the open City seat and any town in the region may run for the open Town seat, while only municipalities from either the North Shore Task Force or SWAP sub-regions may seek nominations to run for those respective open sub-regional seats.

The MPO has 22 voting members, which currently include:

State members

Massachusetts Department of Transportation (MassDOT) with three seats appointed by the Secretary of Transportation, at least one of which is from its Highway Division;
Massachusetts Bay Transportation Authority (MBTA);
Massachusetts Port Authority (Massport)

Regional members

Metropolitan Area Planning Council (MAPC);
MBTA Advisory Board;
Regional Transportation Advisory Council (RTAC)

Current municipal members

City of Boston with two seats

Twelve (12) elected municipalities, one seat each from the eight MAPC sub-regions.

Inner Core Committee: Somerville

Three Rivers Inter-local Council: Norwood

South West Area Planning Committee: Medway

MetroWest Regional Collaborative: Framingham

North Suburban Planning Council: Woburn

North Shore Task Force: Beverly

Minuteman Advisory Group on Inter-local Coordination: Bedford

South Shore Coalition: Braintree

Two (2) cities filling at-large seats: Newton and Everett

Two (2) towns filling at-large seats: Arlington and Lexington

All elected municipal seats (including the sub-regional seats) are elected by all of the 101 municipalities in the Boston Region MPO area. Each of the 101 municipalities may vote for one (1) municipality for each of the two (2) open sub-regional seats.

The election will be held at MAPC's Fall Council Meeting on October 29th, location and time to be decided. The usual process of mailing ballots and accepting absentee ballots will apply, as described in the procedures.

In order to qualify to be on the ballot, each chief elected official who wishes to be a candidate must secure the signatures of five chief elected officials in the region, including their own. **Chief elected officials may only sign nomination papers for one municipality per sub-region for the two open sub-regional seats, and one each for the open town and city seats.**

Nominations are due to MAPC by 5:00 PM on Friday, October 3, 2014 and must be filed in person or by mail at the MAPC, 60 Temple Place, 6th Floor, Boston, MA 02111. Faxes or emails will not be accepted.

A copy of the official notice and procedures for nomination and election to the MPO are attached. We appreciate your interest in this important matter and look forward to your participation. If you have questions, please call Eric Bourassa (617) 933-0740 or Paul Regan at (617) 426-6054.

Attachments

Official Notice, including Attachments A - C

Nomination Papers

Statement of Candidacy

July 24, 2014

Dear Maynard Board of Selectmen,

The residents of McKinley Street would like to have a block party from 3 pm to 8 pm on Saturday, August 16 (rain date of Sunday, August 17, same time).

As in past years, to create more of a community feel, and a safer environment for the children who will be attending, we would like to **close during the party a one-block section of McKinley Street**, beginning at the cross-section of McKinley/Cleveland Streets and ending at McKinley/Hayes Streets. The cross streets of Cleveland and Hayes will remain open to traffic, so closing this one-block section to traffic will still allow alternate traffic routes of Harrison St. or Roosevelt St. This will also leave the fire hydrants easily accessible, since they are located at the end of this block.

Our plans for the day include games for the many children in the neighborhood, a cookout for adults, and a few multi-generational "get acquainted" ice breakers. Several McKinley Street families have met to organize and plan this event. We are aware of the no-alcohol policy on the streets and will ensure this policy is followed.

We are very excited about this gathering and appreciate your support of this endeavor. We look forward to your approval of the street closing during this time period.

We will be the main contacts and will also be responsible for this event. If you have any questions, please feel free to contact me.

Sincerely,

Linde Ghery and Ken Estabrook, on behalf of McKinley St. residents
28 McKinley Street
Maynard, MA 01754
(978) 897-4240 (home)
(978) 201-0183 (Linde's cell number for contact on day of event)
(339) 223-9177 (Ken's cell number for contact on day of event)
LAGhere@gmail.com
Ken.Estabrook@gmail.com

Date Posted 7/2014

TOWN OF MAYNARD

MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISION OF MGL 30A § 18-25

(All public meetings may be broadcast, recorded or videotaped)

Board of Selectmen

Address of Meeting: 195 Main Street, Maynard

Room: 201

7:00 p.m.

M T W T H F

Month Date Year Time AM/PM

Agenda or Topics to be discussed listed below (That the chair reasonably anticipates will be discussed)

Tuesday

August 5, 2014	Aug 14, 2014(off site 6:30pm)	Aug 19, 2014
Sept. 2, 2014	Sept. 16, 2014	Sept. 30, 2014
Oct. 7, 2014	Oct. 21, 2014	
Nov. 5, 2014	Nov. 18, 2014	
Dec. 2, 2014	Dec. 16, 2014	Dec. 30, 2014
Jan. 6, 2015	Jan. 20, 2015	
Feb. 3, 2015	Feb 17, 2015	
March 3, 2015	March 17, 2015	March 31, 2014
April 7, 2015	April 21, 2015	
May 5, 2015	May 18, 2015 (ATM/STM)	May 19, 2015
June 2, 2015	June 16, 2015	June 30, 2014

THIS AGENDA IS SUBJECT TO CHANGE

Chairperson:

Posted by: TA, K. Sweet/bjm

Date: July 2014

Board of Selectmen Town of Maynard, Massachusetts



Alcoholic Beverage Licensing Regulations

Purpose

The purpose of these Regulations is to set forth the expectations of the citizens of Maynard as to the conduct of the Town's liquor license holders.

1.0 Authority

These Regulations are promulgated under the authority granted to the Board of Selectmen of the Town of Maynard, acting as the Local Licensing Authority ("**LLA**"), by Massachusetts General Laws ("**M.G.L.**") c. 138 and all amendments thereto. Such Regulations shall supplement any statutory requirements and the rules and regulations of the Alcoholic Beverage Control Commission ("**ABCC**").

2.0 Definitions

The following words and phrases, whenever used in these Regulations, shall be construed as defined in this section:

Alcoholic Beverage: any liquid intended for human consumption as a beverage and containing at least one-half (1/2) of one percent (1%) of alcohol by volume at sixty-degrees Fahrenheit (60° F). For the purpose of this Regulation the following are included Alcoholic Beverages:

- a. **Malt Beverages**: All Alcoholic Beverages manufactured or produced by the process of brewing or fermentation of malt, with or without cereal grains or fermented sugars or hops, and containing not more than twelve percent (12%) of alcohol by weight at sixty-degrees Fahrenheit (60° F).
- b. **Wines**: All fermented alcohol beverages made from fruit, flowers, herbs or vegetables and containing not more than twenty-four percent (24%) of alcohol by volume at sixty-degrees Fahrenheit (60° F) (except cider containing not more than three percent (3%)) or containing more than six percent (6%) of alcohol by weight at sixty-degrees Fahrenheit (60° F).

Dormant License: a license held by a "Licensee" that ceases to conduct the licensed business.

Employee: a person who has been hired by the Licensee and/or Manager of a licensed Premise to work under an express or implied contract for hire, under which the Licensee and/or Manager has the right to control the details of the work performed.

License: a revocable privilege granted by the Licensing Authority.

- A. Section 12 (On-Premises) Licenses under G.L. c. 138:
 1. **Club License**: issued to a non-profit corporation or association for sales of Alcoholic Beverages to members and guests of the members and subject to these Regulations.
 2. **Cordials and Liqueurs Permit**: The Licensing Authority may grant a Cordials and Liqueurs Permit to any common victualler who holds a wine and malt beverages license (that is, only a holder of a Restaurant or Hotel type license and in certain instances a Tavern license).
 3. **Farmer-Brewer Pouring Permits/Farmer Winery Pouring Permits**: These two types of specialized "pouring permits" may be granted by the ABCC. A Farmer-Brewer Pouring Permit may be granted to the holder of a Farmer-Brewer license

(issued by the ABCC). A Farmer Wine Pouring Permit may be granted to a holder of a Farmer-Winery license (issued by the ABCC). Both pouring permits allow only produce made by the farmers to be poured and sold.

4. General On Premise License: authorizes the sale of Alcoholic Beverages without food.
 5. Hotel License: issued to an establishment that is licensed as an innholder and has the equipment and has the capacity for serving food. A hotel Licensee that sells food must first be issued a Common Victualler license under the provisions on M.G.L. chapter 140. In addition a hotel Licensee that rents rooms to the public must also be issued an Innholder's license under provisions of M.G.L. chapter 140.
 6. Restaurant License: authorizes the sale of Alcoholic Beverages by an establishment licensed as a common victualler that has the equipment and capacity for serving food. A Restaurant Licensee that sells food must first be issued a Common Victualler license under the provisions on M.G.L. chapter 140.
 7. Seasonal Section 12 (on premise) License: issued effective from April 1 to January 15 or any portion thereof and to the number that the ABCC deems to be in the public interest. Franklin and Berkshire counties may issue winter seasonal licenses and estimate before October 15 the temporary increased resident population as of the following February 10. Such licenses are effective from December 1 to April 1.
 8. Tavern License: issued to an establishment where Alcoholic Beverages may be sold, and must be served to and drunk by patrons in plain view of other patrons, all entrances to which shall open directly from a public way. A Tavern Licensee may sell Alcoholic Beverages with or without food. A Tavern Licensee **MAY NOT** sell Alcoholic Beverages on Sundays.
 9. War Veterans Club (see Club License): The LLA may grant a license, outside the quota system, subject to ABCC approval, to any corporation whose members are war veterans which owns, hires or leases a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell to members of that post only, and, subject to local licensing authorities, to guests introduced by such members and to no others.
- B. Section 14 (Special) Licenses under G.L. c. 138.
Such Special Licenses (commonly referred to as "One Day Licenses") shall not be issued to any person(s); association, partnership or corporation already issued or in the process or being issued a license to sell Alcoholic Beverages as approved by the LLA. Special Licenses cannot cover any portion of currently licensed premises.

C. Section 15 (Off Premises) Licenses under G.L. c. 138

1. Package Store License: In accordance with M.G.L. c. 138, § 15, “no person, firm, corporation, association, or other combination of persons directly, or indirectly, or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever, shall be granted more than one such license in a town or in a city.”
2. Seasonal Section 15 (off-premises) License: These Licenses are based on a quota set by the estimate provided by the LLA before March 1 of the temporary increased resident population as of the following July 10. That estimate must be submitted to the ABCC prior to April 1. Off-Premises Seasonal Licenses are issued based on that estimate at the rate of one license for each 5,000 population (or fraction thereof) and can be issued effective from April 1 to November 30 and also until January 15, or any portion thereof, as set by the LLA.

Licensee: an individual Licensee and each member of a partnership Licensee and each officer, director, manager, and stockholder of a corporate Licensee and any agent of a Licensee including those employees who work in the public areas of the premises.

Licensed Premises: all land and buildings associated with the operation of the license.

Licensing Officer: The individual appointed by the Board to perform inspections of licensed premises and to advise the LLA on licensing issues. The LLA shall appoint and name the Licensing Officer at the LLA’s first meeting of the calendar year.

Local Licensing Authority or Authority: The Board of Selectmen of the Town of Maynard which has the legal authority to grant licenses and/or regulate the operation of the Licensed Premises.

Manager: The person designated as a Manager of the Licensed Premises in any License granted pursuant to the provisions of Chapter 138 or Chapter 140 of the MGL.

Minor: Any person less than twenty-one (21) years of age, or such other applicable age for minors as may be set by the Legislature of the Commonwealth of Massachusetts from time to time.

Patron: a customer who is legally on the Licensed Premises.

Rules and Regulations: the compellation of the MGL, these Regulations, the rules and regulations of the ABCC established to regulate the manner in which businesses shall operate.

3.0 Applicability

These Regulations shall apply to all Town Licensees issued under the provisions of G.L. c. 138 and all amendments thereto, unless specifically provided otherwise.

4.0 Availability to Regulations

- 4.1** All Licensees shall ensure that a copy of these Regulations are kept on the premises at all times and is available for inspection upon request by a member of the public or an agent of the LLA. A copy of these Regulations must be kept in the office of the Manager and/or at the main cash register on the premises.
- 4.2** The Licensee is responsible for ensuring that all employees who work in the public areas of the premises ~~review~~read and are familiar with these Regulations ~~and are able to and~~ comply with them, as well all other applicable rules and laws pertaining to the sale of alcoholic beverages.

5.0 Posting and Signs

- 5.1** Licenses shall be posted in a conspicuous place easily seen by the public where they can be read without difficulty and without the assistance of employees at the premises.
- 5.2** All other licenses, permits, and certificates affecting the Licensed premises shall be posted conspicuously; provided, however, that no such document shall be posted in such a way as to cover over any part of the License issued by the LLA.
- 5.3** No dress code or preferred customer program or cover charge or other admissions policy shall be put into effect at the premises except upon proper posting pursuant to Section 6.0 (Admission to the Premises).

6.0 Admission to the Premises

- 6.1** No Licensee shall permit any rule, policy, or action, express or implied, which makes any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sex, sexual orientation, or ancestry, physical or mental disability, relative to the admission or treatment of persons from the general public or employees at the Licensed Premises; provided, however, that Premises licensed pursuant to M.G.L. c.138, §12, may make rules regulating the admission of minors to the Premises when such rules are not inconsistent with other rules and regulations stated herein; provided further that private club licensees shall not discriminate, as aforesaid, with regard to guests at the Licensed Premises or with regard to who may be invited to the premises as a guest.
- 6.2** No Licensee shall institute dress requirements of any kind except according to the following rules:
- 6.2.1.** A sign shall be posted at the entrance to the Premises stating dress requirements or dress restrictions with specificity which may also include restrictions as to footwear. (Examples: "Jackets required," "Ties and jackets required," "Shirts with collars required, no sneakers").

- 6.2.2 No signs shall be posted which state that, "Proper dress required" or which otherwise announce a dress policy without stating specifically, item by item, what dress is required or what dress is prohibited.
- 6.3 No Licensee shall institute privileged entrance requirements of any kind except according to the following rules:
 - 6.3.1. A Licensee may issue special passes.
 - 6.3.2. The special passes shall state the calendar year on the face of the pass.
 - 6.3.3. The special pass shall not entitle the passholder to free drinks or to a discount on drinks.
 - 6.3.4. The Licensee shall keep a list of the names and addresses of all passholders and must have such list available if requested by the Licensing Authority.
 - 6.3.5. The Licensee is responsible for ensuring that persons are picked to be passholders on a rational basis and not on any basis that is discriminatory in violation of law or these regulations.
- 6.4 No Licensee shall require any person to pay a minimum charge or cover charge unless a sign is conspicuously posted at every entrance to any dining room or rooms where such charge is required, in letters no less than one inch in height, stating that a minimum charge or cover charge shall be charged and also stating the amount of charge; provided, however, that no such Licensee shall require a person under thirteen years of age to pay a minimum charge or cover charge. Such cover charge shall not be collected in advance of gaining entrance to the Licensed Premises, and can only be charged upon a written or printed receipt, permanently recorded and numbered seriatim, presented to each individual Patron or group of Patrons. Records of such receipts shall be kept by the Licensee for a period not less than two years. Cover charge shall mean all admission fees or admission charges. Such charges must also be posted on the outside of the Licensed Premises. Nothing in this regulation shall be construed to prohibit advance ticket sales.
- 6.5 No minimum charge for the purpose of Alcoholic Beverages or minimum Alcoholic Beverage drinking requirement shall be imposed upon any Patron of a M.G.L. c.138, §12 Licensee.
- 6.6 A Licensee who charges a minimum charge for the purchase of food and/or non-Alcoholic Beverages shall include a specific statement in a posting stating that there is no minimum charge for Alcoholic Beverages. Such minimum charge for food and/or non-Alcoholic Beverages shall not be collected in advance of gaining entrance to the Premises. No Licensee shall impose a minimum charge for food

and/or non-Alcoholic Beverages upon any Patron who incurs charges for Alcoholic Beverages equal to or greater than the posted minimum charge for food and/or non-Alcoholic Beverages.

- 6.7 Licensees shall refuse entrance to the Premises to a person who appears to be intoxicated or unruly; and shall evict such a Patron, except that in such a case the Licensee should call the police and should offer assistance to an intoxicated person when possible.
- 6.8 Licensees shall not permit entrance to the Premises by more persons than the maximum occupancy limit established by the Building Commissioner.
- 6.9 Licensees who permit persons to wait in line for a table or a seat or for entrance to the Premises shall obey the following rules:
 - 6.9.1. Persons who wait inside the Premises shall be kept in an orderly line and must not be permitted to block fire aisles or exits. The number of such persons waiting inside the Premises shall not exceed the number of persons allowed as standees.
 - 6.9.2. Persons who are permitted to wait in line outside the Premises shall be monitored by an employee of the Licensed Premises. Such employee shall announce no further admissions to the Premises if persons in the line are being loud or disorderly or if the line is blocking the sidewalk or is of a size that could reasonably be expected to cause noise or other problems for residents of the area or for passersby. To the extent that lines in front of a Licensed Premises become the subject of public complaints the Licensee shall have been deemed to be inviting a public nuisance and shall be subject to disciplinary proceedings for same. It is recommended that Licensees in residential areas discourage lines of more than ten persons.
- 6.10 Licensees shall not lock the front door of the Premises until the last Patron has exited from the Premises.
- 6.11 Licensees shall not allow any Patron or any guest or any employee who is not working that shift to enter the Premises after the closing hour posted on the License or prior to the opening hour posted on the License.

7.0 Hours of Operation

- 7.1 The hours of operation shall be restricted to those set by the LLA and stated on the face of the License. No Patrons shall be on the Premises before the official opening hours or fifteen minutes after the official closing hours. This section does not apply to holders of an Innkeeper's License. Patrons must leave the Premises at the closing hour listed on the License. There shall be no additional drink consumption time.

- 7.2** The rules for employees of On Premises License after closing hours are as follows: employees must be off the Premises no later than sixty (60) minutes after the “Official Closing Hour,” provided however, that such employees or other hired personnel may be on the Premises at any time for the purpose of cleaning, making emergency repairs, providing security for the Premises, or preparing food for the next day’s business or opening or closing the business in an orderly manner.
- 7.3** Licensees shall ensure that Patrons leave the Premises in an orderly manner. Licensees who have a clientele that regularly fails to leave the area in a quiet and orderly manner should hire security personnel to police the leave-taking of the Patrons at closing time.
- 7.4** Upon the closing hour, all outside signs or lights of the Licensed Premises must be extinguished and all Alcoholic Beverages must be removed from tables, booths, bars or other surfaces, all glasses are to be emptied and all Alcoholic Beverage containers are to be secured
- 7.5** Unless otherwise set forth on the License, hours of operation shall be as follows:

On- Premise License Holders:

Weekdays 8:00 AM – 1:00 AM; Sundays 10:00 AM – 1:00 AM.

Off Premise License Holders:

Weekdays 8:00 AM – 11:00 PM; Sunday 12:00 noon 9:00 PM

8.0 Physical Premises

- 8.1** The Licensed Premises shall conform to the floor plan approved by the LLA with regard to the structures and the walls at the Premises. Any changes to the floor plan or any renovations of any kind shall not be made without notification to and the approval of the LLA.
- 8.2** All Premises covered by the License shall be kept in a clean and sanitary condition.
- 8.3** No outside area shall be used as a gathering place for Patrons unless approved by the LLA.
- 8.4** The Premises shall be lighted in all public areas in a manner sufficient for the safety of the Patrons and in a manner sufficient for the agents of the LLA to make observations at the Premises without the need to identify them or the need to seek assistance.
- 8.5** The capacity set for the Premises by the Building Commissioner shall be the maximum potential capacity for the Premises.

- 8.6 Licensees shall not invite the members of the public to private areas of the Premises, which are approved by the LLA for storage or for an office or for a kitchen or for a music or video projection room or for any similar non-public use. Only owners, employees, and vendors who service the Licensed Premises shall be in these areas.
- 8.7 No advertising matter, screen, curtain or other obstruction which in the opinion of the LLA, the Liquor Officer, or their Agents, prevents a clear view of the interior of the Premises shall be maintained in or on any window or door thereof after the LLA has ordered the removal of such obstruction.
- 8.8 The interior of the Premises shall be sufficiently lighted at all times and all exits shall be properly designated by lighted signs, "Exit" as same may be mandated by the Building Commissioner or by the Fire Department.
- 8.9 The premises shall be available for inspection by the LLA or any of its designees, with or without notice, to ensure compliance with these Rules and Regulations, as well as all other laws and/or regulations pertaining to the sale of alcoholic beverages.

9.0 Business Arrangements of Licensees

- 9.1 No person or entity shall obtain or renew a License unless the applicant for such License or for renewal of such License can demonstrate proof of a legal right to the Licensed Premises for the term of the License. Such proof shall include ownership papers or a tenancy document or a management contract; provided, however, that all parties to such ownership or leasehold interest or management contract shall be known to the LLA and the terms of such agreements or contracts shall be made known to the LLA.
- 9.2 No Licensee shall hire any employee or contract for goods or services in any name other than that of the Licensee, nor shall the Licensee pay for any such employment, goods, or services by any means other than its own cash or bank accounts in its own name. Cash transactions shall be recorded in a manner suitable for review by the LLA. Such records shall be kept for a period of three years.
- 9.3 Any Licensee intending to close its place of business shall notify the LLA in writing before such closing and state the reason for such closing.
- 9.4 Any change in ownership or management must be approved by the LLA.

10.0 Alcoholic Beverages Sales and Laws

- 10.1 No Alcoholic Beverages shall be sold for less than the actual cost of the beverage to the Licensee. An admission charge shall not be credited towards the purchase price of any Alcoholic Beverage.

- 10.2** All Licensees shall maintain a schedule of the prices charged for all drinks to be served and consumed on the Licensed Premises or in any room or part thereof. Such prices shall be effective for not less than one calendar week.
- 10.3** No Licensee or employee or agent or a Licensee shall:
- 10.3.1. Offer or deliver any free drinks to any Patron or group of Patrons;
 - 10.3.2 Deliver more than two drinks to one Patron at one time;
 - 10.3.3 sell, offer to sell or deliver to any Patron or group of Patrons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the general public;
 - 10.3.4 sell, offer to sell, or deliver to any Patron an unlimited number of drinks during a set period of time for a fixed price, except at private functions not open to the general public;
 - 10.3.5 sell, offer to sell or deliver drinks to any Patron or group of Patrons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
 - 10.3.6 Sell, offer to sell or deliver malt beverages or mixed drinks by the pitcher except to two or more Patrons at any one time;
 - 10.3.7 Increase the volume of Alcoholic Beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week;
 - 10.3.8 Encourage or permit, on the Licensed Premises, any game or contest which involves drinking or the awarding of drinks as prizes;
 - 10.3.9 Advertise or promote in any way, whether within or without the Licensed Premises, any of the practices prohibited under this section.
- 10.4** Nothing contained in the preceding section shall be construed to prohibit Licensees from offering free food or entertainment at any time; or to prohibit Licensees from including a drink as part of a meal package; or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one Patrons; or to prohibit those licensed under M.G.L. c.138, §15, from offering free wine tasting; or to prohibit those licensed under M.G.L. c.138, §12, from offering room services to registered guests.
- 10.5** Licensees shall not permit Alcoholic Beverages to be brought on the Licensed Premises by Patrons or employees.

- 10.6** Licensees shall be responsible for ensuring that minors are not served Alcoholic Beverages and are not drinking Alcoholic Beverages on the Licensed Premises, whether served to them by an employee or handed to them by another Patron. Licensees who do not have the ability to keep track of the drinking activity of minors at the Premises shall exclude minors from coming onto the Premises in order to meet the burden of ensuring that there is no underage drinking at the Premises. Licensees who choose to permit minors on the Premises, whether pursuant to an "I.D. bracelet" program or otherwise, shall be accountable if minors are found to be drinking Alcoholic Beverages on the Premises, whether or not the Licensing Authority's agents are able to prove that the Licensee actually served the drink directly to the minor. Sufficient security personnel shall be employed to monitor the Premises to ensure that Patrons do not pass Alcoholic Beverages to minors.
- 10.7** Any establishment licensed to sell Alcoholic Beverages to be drunk on the Premises shall post a copy of the penalties for driving under the influence set forth in M.G.L. c.90, §24. Establishments licensed to sell Alcoholic Beverages not to be drunk on the Premises shall post a copy of the penalties for operating a motor vehicle while drinking from an open container. Said copies shall be posted conspicuously in said establishments. Said copies are available from the ABCC.
- 10.8** Food service shall be available in all areas of the Licensed Premises where Alcoholic Beverages are served, this to include dining areas and lounge areas. This does not include any area approved as a waiting area by the LLA.
- 10.9** A Restaurant License or a Hotel License allows the holder of a restaurant or hotel license to sell and serve liquor solely for consumption on the Premises of an establishment. All Licensees will comply with M.G.L. c.138, §12A. A restaurant Licensee must maintain complete restaurant services continually during the hours of selling and serving of liquor, until at least 9:00 p.m. daily, if any spirituous liquor is to be sold and served up to 1:00 a.m.
- 11.0** **Environs of Licensed Premises**
- 11.1** It shall be the obligation of Licensees to ensure that a high degree of supervision is exercised over the conduct of the Licensed Premises at all times. Each Licensee shall be accountable for all violations that are related to the Licensed Premises to determine whether or not the Licensee acted properly in the given circumstances.
- 11.2** No Licensee may have upon the Premises any automatic amusement machine unless same has been approved and separately licensed by the Town. Types of machines and location of machines upon the Premises must be approved by the Town. The Licensee must make application, not the distributor.

11.3 Licensees shall act reasonably and diligently to disperse loiterers or Patrons who attempt to congregate in front of or at the Licensed Premises. Failure of the Licensee to keep persons from congregating at the Licensed Premises may lead to disciplinary action against the Licensee for allowing a public nuisance. Action to be taken by the Licensee shall include: (1) maintaining the front door in a closed position; (2) asking loiterers to disperse; (3) promptly notifying the police if loiterers refuse to disperse; (4) hiring a security guard or stationing a security employee at the front door to disperse loiterers; (5) refusing to allow Patrons to walk in and out of the Premises at short intervals; (6) maintaining order in lines of Patrons waiting outside to get in; (7) announcing that no further Patrons will be allowed into the Premises if lines become too long or disorderly or loud.

11.4 Licensees shall take such steps as are necessary to ensure that Patrons or employees do not leave the Premises with Alcoholic Beverages. Such steps shall include having an employee stationed at the door to watch Patrons as they leave. When Patrons are observed leaving the Premises with bottles, cans, cups or glasses filled with liquids that smell like Alcoholic Beverages to the LLA agents, it shall be presumed that the vessels contain Alcoholic Beverages.

11.5 The licensee shall not permit any disorder, disturbance or illegality of any kind to take place on the licensed premises.

11.6 When any noise, disturbance, misconduct, disorder, act or activity occurs in the Licensed Premises, or in the area in front of or adjacent to the Licensed Premises, or in any parking lot provided by the Licensee for the use of its Patrons, which in the judgment of the LLA adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the Licensed Premises are located, or results in the Licensed Premises becoming the focal point for police attention, the Licensee shall be held in violation of the License and subject to proceedings for suspension, revocation or modification of the License.

12.0 Inspections and Investigations

12.1 The Licensed Premises shall be subject to inspection, with or without notice, by the members of the LLA, the Licensing Officer, and their duly authorized agents. Any hindrance or delay of such inspection caused by an employee of the Licensee shall be cause for action against the License. It shall be the responsibility of the Licensee to ensure that procedures are in place, be it posting a doorman or otherwise, to allow Police and authorized agents of the LLA immediate entrance into the premises at anytime employees are on the Premises. Any delay in providing such access shall be cause for action against the License.

12.2 Licensees shall maintain a current list of all of their employees and shall have it available at all times for inspection upon the request of an authorized agent of the LLA. Licensees who contract with entertainment entities to provide entertainers must maintain a current list of the names of such entertainers and said entertainers shall be held to the same rules as other employees at the Premises.

12.3 No device or electronic equipment shall be utilized at a Licensed Premises for the purpose of signaling employees that agents of the LLA are present.

12.4 All complaints and reports shall continue in force until they have been reviewed and disposed of by the LLA.

13.0 Standards of Conduct on the Premises

13.1 It is forbidden to permit any employee or person in or on the Licensed Premises to promise, offer, suggest, or accept sexual acts or favors in exchange for money or for the purchase of any Alcoholic Beverages or other commodities.

13.2 It is forbidden to encourage or permit any person in or on the Licensed Premises to touch, caress, or fondle the breasts, buttocks or genitals of any other person.

13.3 No Alcoholic Beverages shall be sold to Minors. No service of alcoholic, wine/malt beverages shall be made to Minors.

13.4 No Manager or employee shall consume any Alcoholic Beverages while on the Licensed Premises while on duty or after the official closing hour except for the purpose of sampling new products from vendors.

14.0 Illegal Activity on the Licensed Premises

14.1 Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the Licensed Premises. Such efforts shall include:

14.1.1 Frequent monitoring of restrooms and other nonpublic areas of the Premises for signs of drug activity or other illegalities;

14.1.2 Paying attention to activities on the Premises of known drug users or drug dealers or prostitutes or others who are known to have been convicted of crimes which may be conducted at a Licensed Premises;

14.1.3 Monitoring of activities of Patrons who talk about weapons or who appear to be hiding a weapon;

14.1.4 Calling for police assistance as necessary to protect Patrons against injury or to evict unruly Patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information; and

14.1.5 Hiring security personnel to deal with chronic unlawful activity at the Premises such as prostitution or gambling or larceny from Patrons or assaults and batteries or other problems associated with the Premises.

14.2 There shall be no disorder, prostitution, illegal gambling, illegal drug use or sales or possession, or other illegal activity on the Licensed Premises or any Premises connected therewith by an interior communication.

14.3 In the event that the Licensee and/or employees have reason to believe that any illegal activity is taking place on the Premises, the Maynard Police must be notified.

15.0 Injuries to Persons at the Premises

15.1 Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a Patron unless to protect other Patrons or themselves from being subjected to body blows from an unruly Patron. In all other circumstances employees and security personnel are to call the police to have Patrons removed from the Premises when such Patrons are being disruptive and they are unable to convince the Patron to leave the Premises voluntarily.

15.2 Licensees shall call the police and an ambulance and take all other reasonable steps to assist Patrons or persons who are injured in or on the Licensed Premises or whose injuries have occurred outside the Premises but have been brought to the attention of the Licensee.

16.0 Duty to File Report

In all instances where the Police are called to the Licensed Premises, regardless of the extent or severity of any incident involving people in or on the Premises, the Licensee or Manager must submit to the Police and the Clerk of the LLA within twenty-four (24) hours of such occurrence, a complete and accurate written report of the incident. Such report must be on a form provided by the LLA and will advise them of all pertinent facts including, but not limited to:

- a. Parties involved, by name;
- b. Date and time of the incident;
- c. Action taken by the Licensee or Manager;
- d. Description of the incident including damages and any injuries; and
- e. Name of Manager responsible for the Premises at the time of the incident along with any other employees present at the time of the incident

17.0 Revocation, Suspension, and Modification

Any License issued pursuant to M.G.L. c.138 may be modified, suspended, or revoked for any of the following causes:

17.1 Violation by the Licensee of any provision of the relevant General Laws of the Commonwealth, of the rules and regulations of the ABCC or of these Regulations of the LLA.

17.2 Fraud, misrepresentation, false material statement, concealment or suppression of facts by the Licensee in connection with an application for a License or permit or for renewal thereof or in connection with an application for the removal of the Licensed Premises or the alteration of the Premises or in connection with any

other petition affecting the rights of the Licensee or in any interview or hearing held by the LLA in connection with such petition, request, or application affecting the rights of the Licensee;

- 17.3 Failure to operate the Premises covered by the License without prior approval of the LLA;
- 17.4 Failure or refusal of the Licensee to furnish or disclose any information required by any provision of the MGL or by any rule or regulation of the ABCC or these Regulations of the LLA;
- 17.5 Licensees shall not give or offer any money or any article of value or pay for or reimburse or forgive the debt for services provided to any employee or agent of the LLA either as a gratuity or for any service;
- 17.6 Licensees may not fail to comply with any condition, stipulation or agreement upon which any License was issued or renewed by the Licensing Authority or upon which any application or petition relating to the Premises was granted by the LLA. It shall be the duty of the Licensee to ensure that all appropriate personnel at the Licensed Premises are familiar with these Regulations of the LLA and with any conditions on the License.
- 17.7 A License may be suspended or modified or revoked for the refusal by any Licensee and, if a corporation, by a Manager, officer, or director thereof to appear at an inquiry or hearing held by the LLA with respect to any application or matter bearing upon the conduct of the licensed business or bearing upon the character and fitness of such person to continue to hold a License.
- 17.8 Licensees shall properly serve suspension and modification orders.
- 17.9 A License may be suspended or modified or revoked for ceasing to conduct the licensed business, that is any License holder who closes or stops doing business (Dormant License). Licensees who suspend or cease operation must notify the LLA within ten (10) days with a schedule in writing for reopening to be approved by the LLA. The schedule submitted by the Licensee, must include a date certain for the reopening of the business.

18.0 Disciplinary Guidelines

- 18.1 Licensees in violation of the applicable laws of the Commonwealth, rules and regulations of the ABCC and/or these Regulations may be subject to discipline. The nature and extent of the discipline shall be based on the severity of the violation, but may vary from a verbal or written warning to revocation of the license. the following range of discipline:

a. First offense: warning to seven day suspension.

~~b. Second offense: warning to thirty day suspension.~~

~~c. Third offense: warning to revocation.~~

~~18.2 Only offenses which have occurred within the two (2) years preceding the date of violation shall be used in calculating the number of offenses for purposes of the sentencing guidelines.~~

~~18.3 The disciplinary guidelines are only a guide. The LLA may use its discretion in determining whether the facts surrounding a violation warrant a penalty, which is more lenient or severe than that suggested by the guidelines.~~

~~18.4 The sentencing guidelines shall not be construed to limit the LLA ability to consider alternative dispositions, or further conditions on a License or even alternate penalties (e.g. roll back of operating hours).~~

19.0 Service of Suspension Orders

19.1 When the LLA suspends the License or Licenses of any Licensee, it shall provide the Licensee with an order of suspension for public display that must contain the words, "No alcohol served per order of the Maynard Board of Selectmen." Such order shall be publicly displayed by the Licensee in the following manner. If there is a door opening from the street into the Licensed Premises and a window facing the street upon which such door opens, such order shall be displayed in such window so that it may readily be seen from the street. If the Licensed Premises are otherwise located, such order shall be affixed to the door of the entrance to the Premises and displayed in such a way that it may be readily seen from the street.

19.2 Suspension orders of the LLA, as above, shall remain affixed throughout the entire period of suspension. The removal, covering, defacement, or obliteration of the order of suspension or the failure to maintain the order of suspension in the manner and place required prior to the expiration of the suspension period shall be deemed the act of the Licensee and shall be cause for further suspension, modification or revocation of the license.

19.3 Suspension periods shall not be used as a time to do renovations at the Licensed Premises unless such renovations have previously been approved by the LLA.

20.0 Permission to Close Premises Required

20.1 Any Licensee intending to close a place of business, whether on a temporary or permanent basis, must notify the LLA in writing before such closing stating the reason and length of such closing and obtain approval. Failure to provide such notice may result in the suspension or revocation of the License.

20.2 The restriction in Section 20.1 shall not apply to a closing due to an act of God, natural disaster, illness or some other business problem for which request had been made to the LLA and approval granted.

21.0 Bankruptcy and Court Proceeding

The Licensee shall immediately notify, in writing, the LLA of any proceedings brought by or against the Licensee under the bankruptcy laws or of any other court proceedings, which may affect the status of the License.

22.0 Management

- 22.1** Each corporate Licensee must appoint a Manager by a properly authorized and executed delegation.
- 22.2** The Manager of the Licensed Premises must engage in the actual management of the Licensed Premises as his/her main occupation and must be present on the Licensed Premises for not less than 30 hours per week during the hours when Alcoholic beverages are sold or served.
- 22.3** The responsibilities of every License holder and any Manager shall be as follows:
 - 22.3.1** To obey all statutes of the Commonwealth, rules and regulations of the ABCC, and these Regulations;
 - 22.3.2** To promptly notify the police of any disturbances or illegal activity on the licenses Premises of which he becomes aware;
 - 22.3.3** As to corporate Licensees, to sign the annual application for renewal of License, unless unavailable; and
 - 22.3.4** To cooperate with authorized agents of the LLA, including but not necessarily limited to, any police officer, in their investigation or inspection of the licenses Premises.
- 22.4** Any such notice sent to the Manager as named in the records of the LLA or the owner at the address of the Licensed Premises shall constitute valid legal notice to the Licensee.
- 22.5** The Licensee shall not transfer the license, change Managers, change corporate officers, sell or transfer corporate stock, pledge corporate stock or liquor license as security, or accept a loan or credit from another Licensee, without first obtaining the approval of the LLA. No person may have a direct or indirect beneficial interest in a License without first obtaining the approval of the LLA.
- 22.6** Neither the Licensed Premises nor the sale of Alcoholic Beverages may be under the temporary management or control of any person who, in the judgment and discretion of the LLA, is unable or unwilling to exert the control necessary to maintain the Licensed Premises in a safe, sanitary and orderly manner.

23.0 Service Training

- 23.1** An employee training program on the proper procedures for verifying that Patrons are at least 21 years of age and not intoxicated shall be provided by the Licensee. A written description of such program, along with a written policy outlining the employees' responsibilities and the disciplinary measures which will be taken against any employee for violating said policy, shall be provided to the LLA as part of the original or renewal application materials and maintained on the Premises at all times.
- 23.2** A signed certification of each employee who handles alcohol, indicating that the employee has received the described training and has reviewed and understands the written policy describing his or her responsibilities and the disciplinary action which will be taken for violations, shall be maintained on the Premises at all times. Copies of all such documents and certifications shall be provided to the LLA at application or and annual renewal, and available on the Premises to the LLA or any authorized agent thereof, upon demand.
- 23.3** Each new employee who handles alcohol shall obtain server training within sixty (60) days of commencing employment.
- 23.4** Upon a finding by the LLA of a violation of the laws or regulations concerning service of alcohol to a minor or intoxicated person, the employees involved in the violation who continues to be employed by the Licensee shall be retrained forthwith and receive a new server training certification.
- 23.5** The training and certification referenced in Section 23.0 shall be pursuant to a training program approved by the LLA (e.g. TIPS or equivalent).

24.0 Complaints

- 24.1** The LLA shall investigate complaints received about any practices or acts that may violate any provision of these Regulations.
- 24.2** If the LLA finds that an investigation is not required because the alleged act or practice is not in violation of these Regulations, the LLA shall notify the complainant of such finding and the reasons upon which it is based.
- 24.3** If the LLA finds that an investigation is warranted, the LLA shall investigate and if the LLA finds that there has been a violation of these Regulations, then the LLA shall be authorized to take such action and institute such proceedings as are provided by law and these Regulations.

24.4 The licensee shall cooperate with any investigation conducted by the LLA including, but not limited to, providing the LLA with any written or other materials that it requests, ensuring employees are available for interviews, and responding to any other requests for information from the LLA in a timely manner.

25.0 Fees

- 25.1** Application and License Fees shall be established by the LLA.

26.0 Severability

If any provision, clause, sentence or paragraph of these Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions of these Regulations that can be given effect without the invalid provision, clause, sentence, or paragraph, and to this end the provisions are declared to be severable.

Policy 2014 - ____

Effective: _____

Naming of Town Property

It is the policy of the Board of Selectmen that the naming of publicly-owned property shall be done sparingly, for good cause shown.

Requests for naming of any public property, such as buildings, rooms within buildings, playgrounds, recreational facilities, squares, parks, and other public facilities shall be considered at an advertised public hearing before the board or committee responsible for operating the facility. The board or committee shall then refer a suggestion or suggestions to the Board of Selectmen with a record of the hearing and a board/committee recommendation. The Board of Selectmen shall make a decision on the request within two (2) months of receipt of report of the board or committee. If the facility is not under the jurisdiction of any other board or committee, the request shall be referred to the Board of Selectmen who shall hold said public hearing before making a decision.

All public hearings for the purpose of naming publicly-owned property shall be conducted within six (6) months of the request. Once approved by the Board of Selectmen, the property shall not be renamed for at least twenty (20) years, except under extraordinary circumstances as determined by votes of the Board of Selectmen and, if applicable, the board or committee currently responsible for operating the facility.

Naming of publicly-owned property for a person or family, except for naming of rooms within buildings, shall be undertaken only by Town Meeting. No publicly-owned property shall be named for an individual unless that individual has been deceased for at least three (3) years prior to Town Meeting vote, nor shall any publically-owned property be named for a family if members of that family are current employees of the town or have been employed by the town within three (3) years prior to Town Meeting vote.

July 29, 2014

TO: Maynard Board of Selectmen

FROM: Bill Cranshaw

RE: Water and Sewer Billing Abatement Policies

As follow up to some issues raised during last spring's spate of abatement requests, attached are two suggestions regarding policies for water and sewer abatements.

- The **Policy Guidance on Abatements for Substantial Leaks and Floods** considers whether and how to address abatement requests when a customer has experienced such an event. The objective of the policy is that while the town's enterprise fund should not lose money on the lost water, nor should the town profit from the misfortune of its residents. The suggestion to abate all of the applicable sewer charges and assess a low rate on the water use should ensure a full capture of marginal costs for the town.

As an example, if someone typically uses 3500 units of water their quarterly bill would be \$200.65 for water and \$310.80 for sewer (total of \$511.45). If there was a leak of 5000 units the bill, before abatement, would be \$544.65 for water and \$754.80 for sewer (total of \$1,299.45). With abatement of only the sewer charges their bill would total \$856.45, which is \$344 more than typical. With abatement of the sewer charges and a partial abatement of the water charges their bill would be \$625.45, which is \$114 more than typical.

- The **Policy on Adjustments for Prior Use of Water and Sewer** defines a time limit for consideration of abatement requests by customers and for prior usage "clawbacks" by the town.

Policy Guidance on Abatements for Substantial Leaks and Floods

The Board of Selectmen may authorize abatements of water and sewer fees in the event that a customer experiences a substantial increase in water consumption due to catastrophic flooding events or due to leaks or breakages in an exterior water line. A substantial increase in water consumption shall be deemed to occur when a quarterly water/sewer bill is in excess of twice that typically expected, based on prior usage patterns for a similar billing period.

An abatement will be granted in those cases where the Board of Selectmen finds that a good faith effort was made to promptly end the excess water flow. The abatement allowed will be as follows:

1. There will be no sewer fees charged for the excess water flow, and
2. The excess water flow will be billed at one-half (1/2) of the initial step of the water rate block fee schedule.

The calculation of excess water flow will typically be based on the difference between measured flow and a three-year average flow for a similar billing period.

For the purposes of this policy the following definitions apply:

“Exterior water line” shall mean potable water line on the property that is exterior to or within the foundation of the building.

“Catastrophic flooding event” shall mean a leak of potable water lines interior to the building which occurs suddenly and results in damage to property, clean-up, and repair totaling in excess of \$500.

Policy on Adjustments for Prior Use of Water and Sewer

In most instances, adjustments to water and sewer usage charges will apply to a period not exceeding the prior 24 months. This policy applies to abatement applications, instances where additional fees are being sought by the town for past usage not previously billed, and instances where additional fees are being sought by the town for past usage incorrectly billed.

The time limit for additional fees being sought by the town for past usage not previously billed applies only when the Board of Selectmen determines that there was some responsibility by the town in the failure to bill for the water and sewer usage. There is no time limit in cases of intentional avoidance of fees by the customer.